

**PRIVACY ACT**

- (a) The Seller agrees to
- (1) Comply with the Privacy Act of 1974 (the Act) and the agency rules and regulations issued under the act in the design, development, or operation of any system of records on individuals to accomplish an agency function when the order specifically identifies:
    - (i) The system of records; and
    - (ii) The design, development, or operation work that the Seller is to perform;
  - (2) Include the Privacy Act notification contained in this order in every solicitation and resulting subcontract and in every subcontract awarded without a solicitation, when the work statement in the proposed subcontract requires the design, development, or operation of a system of records on individuals that is subject to the Act; and
  - (3) Include this article, including this subparagraph (3), in all subcontracts awarded under this order which requires the design, development, or operation of such a system of records.
- (b) In the event of violations of the Act, a civil action may be brought against the agency involved when the violation concerns the design, development, or operation of a system of records on individuals to accomplish an agency function, and criminal penalties may be imposed upon the officers or employees of the agency when the violation concerns the operation of a system of records on individuals to accomplish an agency function. For purposes of the Act, when the order is for the operation of a system of records on individuals to accomplish an agency function, the Seller and any employee of the Seller is considered to be an employee of the agency.
- (c) (1) "Operation of a system of records", as used in this article, means performance of any of the activities associated with maintaining the system of records, including the collection, use, and dissemination of records.
- (2) "Record", as used in this article, means any item, collection, or grouping of information about an individual that is maintained by an agency including but not limited to, education, financial transactions, medical history, and criminal or employment history and that contains the person's name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a fingerprint or voiceprint or a photograph.
- (3) "System of records on individuals", as used in this article, means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.
- (d) The Seller agrees to include the following notification in every solicitation and subcontract when the statement of work requires the design, development, or operation of a system of records on individuals to accomplish an agency function:

PRIVACY ACT NOTIFICATION

The Seller will be required to design, develop, or operate a system of records on individuals, to accomplish an agency function subject to the Privacy Act of 1974, Public Law 93-579, December 31, 1974 (5 U.S.C. 552a) and applicable agency regulations. Violation of the Act may involve the imposition of criminal penalties.

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